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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 PETER JAMES HELFRICH,

11 Petitioner,

12 vs.

13 STATE OF NEVADA, *et al.*,

14 Respondents.
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Case No. 2:16-cv-00049-JCM-NJK

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner. This matter has not been properly commenced because petitioner
19 submitted incomplete financial paperwork. The *in forma pauperis* application was not submitted on
20 the court-approved form as required by Local Rule LSR 1-1. In addition to filing an application to
21 proceed *in forma pauperis* on the court-approved form, a prisoner seeking to proceed *in forma*
22 *pauperis* “shall submit a certified copy of the trust fund account statement (or institutional
23 equivalent) for the prisoner for the 6-month period immediately preceding the filing of the
24 complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was
25 confined.” 28 U.S.C. § 1915(a)(1), (2); Local Rule LSR 1-2. Petitioner has failed to submit an *in*
26 *forma pauperis* application on the court-approved form and has failed to provide the necessary
27 financial information.
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1 Due to the defects presented, the *in forma pauperis* application will be denied. The present
2 action will be dismissed without prejudice to the filing of a new petition in a new action with an *in*
3 *forma pauperis* application with all required attachments. It does not appear from the papers
4 presented that a dismissal without prejudice would result in a promptly-filed new petition being
5 untimely. In this regard, petitioner at all times remains responsible for calculating the running of the
6 federal limitation period as applied to his case, properly commencing a timely-filed federal habeas
7 action, and properly exhausting his claims in the state courts.

8 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
9 No. 1) is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a
10 new petition in a new action with a properly completed *in forma pauperis* application with all new
11 and complete financial attachments.


12 **IT IS FURTHER ORDERED** that the clerk of court shall send petitioner the following: (1)
13 two copies of an application form to proceed *in forma pauperis* for incarcerated persons and
14 instructions for the same; (2) a noncapital section 2254 habeas petition form and instructions for the
15 same; and (3) a copy of the papers submitted in this action at ECF No. 1.

16 **IT IS FURTHER ORDERED** that petitioner may file a new petition and *in forma pauperis*
17 application in a new action, but he may not file further documents in this action.

18 **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.

19 **IT FURTHER IS ORDERED** that a certificate of appealability is **DENIED**. Reasonable
20 jurists would not find the dismissal of the improperly-commenced action without prejudice to be
21 debatable or wrong.

22 Dated January 29, 2016.

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26 UNITED STATES DISTRICT JUDGE
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